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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,652	03/05/2002	Brady Dow	KOMBEA-000130	9165
63614 7590 12/19/2006 THE HAMILTON LAW FIRM PC 8555 W. BELLEVIEW AVE. G21-139 LITTLETON, CO 80123			EXAMINER BROOKS, MATTHEW L	
			ART UNIT	PAPER NUMBER
			3629	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/19/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/091,652	<b>Applicant(s)</b> DOW, BRADY	
	<b>Examiner</b> Matthew L. Brooks	<b>Art Unit</b> 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:
  - A. Pg 1, Applicant needs to fill in the blanks on the continuation data.
  - B. Pg 2, [08] "...repetive read..."
  - C. Pg 29 [142] "...systems an methods..."

Appropriate correction is required.

### ***Claim Objections***

2. Claim 31 is objected to because of the following informalities: "...of claim 5...". Examiner considered Applicant meant claim 25. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 5,6,19,25, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. With respect to Claims 5 and 6 applicant uses the term "...the presentation...", due to the amendments made it is ambiguous which presentation.
6. With respect to claim 19 it must depend from 18; because otherwise a lack of antecedent basis for "the telephone".
7. Claim 25 the presentation is made to one ore more recipients. Then in step a "...initiating contact with the recipient. Examiner is unsure which one.

***Claim Rejections - 35 USC § 102***

8. The 102 rejections of claims 1-2 and 5-6 and 46 issued in the previous rejection dated 4/20/2006 are maintained except for that of claim 7, which was understandably mis-interpreted by the previous examiner. See previous action for analysis.

***Claim Rejections - 35 USC § 103***

9. Claims 1-2 and 5-6 and 46 are rejected alternatively under 35 U.S.C. 103(a) as being unpatentable over Patent Number 6,356,634 (Noble) in view of "Opportunities in Telemarketing Careers"; Annde Basye, 1994 (Telemarketing).

Noble teaches all of the steps claimed with the possible/arguably exception a plurality of approaches, presentations, and scripts. Telemarketing teaches the use of a series of different approaches (pg 21, inbound/outbound) and multiple use of scripts and presentations depending on circumstances such as type of product (pages 22-24) and event teaches the hard and soft sale; the scripting of the campaign being known as a convenient method of providing a consistent proven and successful sales approach. The business practice of "scripting" a telemarketing call is an old and well-established business practice. This practice is designed to deliver the consistent approach and it improves customer relations and helps to generate return business. It would have been obvious to one of ordinary skill in the art at the time of the invention to include Telemarketing and its teachings of scripting, in the method of delivering pre-recorded prompts/scripts to a customer on the other line in a telemarketing session as taught by the Noble reference, in view of the well known business practice of providing multiple

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scripts and approaches to a campaign allows a telemarketer to have a script depending upon a situation.

10. Claim 7 is rejected as being unpatentable over Noble in view of The Communication Technology Lab's web site as being on line as of 2000 (CTL). The reference teaches the graphical presentation of American Sign Language over a network to a graphical user interface was well known at the time of invention. A person of ordinary skill in telemarketing and presenting information to users faced with the problem of presenting information to a deaf person would be inclined to use the technology as taught by CTL as it was well known to pre-record prompts or scripts that could be activated by a users direction to present a graphical presentation of American Sign Language to a user as is sign language is a well known means of communication for deaf persons. (see reference, a user thereof clicks on a prompt/slash saying in the right hand column which is then presented in video format to user).

### ***Response to Arguments***

11. Applicant's arguments filed 9/1/2006 have been fully considered but they are not persuasive.

12. The thrust of Applicants arguments are that the Noble reference does not teach a plurality of scripts. To this Applicants attention is directed to Column 2, 40-45 and 66-60 and Column 5, 25-30 and 6, 5-20 "...responsive to stimulous retrieves a selected voice..." that and "...procedure continues..." this only leads examiner to conclude that there is a plurality of responses/scripts chosen by TSR (telephone service representative).

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew L. Brooks whose telephone number is (571) 272-8112. The examiner can normally be reached on Monday - Friday; 8 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-8112. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MLB  
12/11/06

  
DEANT. NGUYEN  
PRIMARY EXAMINER 12/11/06